

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

NOEMI VALDEZ PINEDO and
MARGARITO ALONSO PINEDO,

Chapter 11
Case No. 09-54650-ASW

OBJECTION TO CLAIM; NOTICE OF OPPORTUNITY FOR
HEARING; CERTIFICATE OF SERVICE
CLAIMANT: THE BANK OF NEW YORK MELLON
CLAIM NO: 10

Debtor(s) _____ /

The Debtor(s) [or Trustee] object(s) to the allowance of the claim described as:

<u>NAME & ADDRESS OF CLAIMANT (as set forth on Proof of Claim)</u>	<u>DOLLAR AMT</u>	<u>DATE FILED</u>
* The Bank of New York Mellon	\$684,210.28	7/16/10
* c/o BAC Home Loans Servicing, LP		
* MS: TX2-982-03-03, 7105 Corporate Dr.		
* Plano, TX 75024		

The basis for the objection is that the claim:

_____ duplicates claim no. _____ filed on _____ by _____.

_____ does not include a copy of the underlying judgment.

_____ does not include a copy of the security agreement and evidence of perfection.

_____ fails to assert grounds for priority.

_____ does not include a copy of the assignment(s) upon which it is based.

☒ appears to include interest or charges accrued after the filing of this case on 6/13/09.

☒ is not timely filed.

☒ Claimant lacks standing to assert a right to payment, based on a faulty chain of assignment

The Objecting Party will ask the Court to enter an Order providing that the claim is:

_____ allowed as a secured claim in the amount of: \$ _____.

_____ allowed as an unsecured claim in the amount of: \$ _____.

_____ allowed as a priority claim in the amount of: \$ _____.

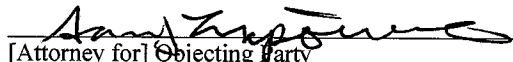
☒ disallowed in its entirety

NOTICE IS HEREBY GIVEN, pursuant to FRBP 3007 as modified by Local Rule 9014: 1) that any objection to the requested relief, or a request for hearing on the matter must be filed and served on the requesting party within twenty-one (21) days of mailing of the notice; 2) that a request for hearing or objection must be accompanied by any declarations or memoranda of law the party objecting or requesting wishes to present in support of its position; 3) that if there is not a timely objection to the requested relief or a request for hearing, the Court may enter an order granting the relief by default; and 4) that the initiating party will give at least seven (7) days written notice of hearing to the objecting or requesting party, and to any trustee or committee appointed in the case, in the event an objection or request for hearing is timely made.

Dated: 8/3/10

DEBTOR(S') ADDRESS:

* Noemi and Alonso Pinedo
* 406 California St., Unit C
* Salinas, CA 93901


[Attorney for] Objecting Party

* Law Office of Sara J. Lipowitz
* 303 Potrero St., #45-102
* Santa Cruz, CA 95060
* Telephone: (831) 427-0546


CERTIFICATE OF SERVICE

I am not less than 18 years of age and not a party to the within case. My business address is: 303 Potrero St., #45-102, Santa Cruz, CA 95060. I served this OBJECTION TO CLAIM; NOTICE OF OPPORTUNITY FOR HEARING by first-class United States Mail, postage pre-paid, at Santa Cruz, California, on the date noted below and addressed to the Claimant above, and on those listed below. If entitled to notice, the Chapter 11 Trustee will receive such notice upon the electronic filing of this document. I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: 8/3/10 at Santa Cruz, California.

* The Honorable Arthur S. Weissbrodt
* U.S. Courthouse
* 280 S. First St., Room 3035
* San Jose, CA 95113

* John Wesolowski
* Office of the U.S. Trustee
* 280 S. First St., Room 268
* San Jose, CA 95113


* Richard J. Bauer, Jr., Esq.
* Miles, Bauer, Bergstrom & Winters
* 1231 E. Dyer Rd., Ste. 100
* Santa Ana, CA 92705

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